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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

THE GUARDIAN INSURANCE
AND ANNUITY COMPANY, INC.,
a corporation,

Plaintiff,

v.

CARLA M. UNTERMANN, an
individual; PHILLIP
UNTERMANN, an individual, et al.,

Defendants.

Case No. C 07-3557 CRB

**ORDER GRANTING DISCHARGE,
DISMISSAL, ATTORNEY'S FEES,
AND LIQUIDATION OF ANNUITY
CONTRACTS**

The parties having stipulated and good cause appearing therefor,

IT IS HEREBY ORDERED THAT the Guardian shall liquidate Annuity Contracts Nos. 201176527 and 210197866 (the "Annuity Contracts") by the 20th day following the Court's entry of this order and shall distribute the proceeds of each Annuity Contract in equal shares to Diane R. Abraham, Successor Trustee of the Dolph L. Camilli Bypass Trust and William H. Shea, Jr., Successor Trustee of the Gerda M. Camilli Survivor Trust.

1 IT IS FURTHER ORDERED THAT the Guardian shall be paid the sum of
 2 \$8,250 as reasonable attorney's fees and costs incurred in connection with this
 3 interpleader action, to be paid out of the proceeds from the liquidated Annuity
 4 Contracts.

5
 6 IT IS FURTHER ORDERED THAT upon liquidation and distribution of the
 7 Annuity Contract proceeds, the Guardian and Defendants, and each of them, shall
 8 be discharged from liability to the other party or parties to the full extent permitted
 9 by law with respect to benefits payable under the Annuity Contracts, and arising out
 10 of or on account of the death of Gerda Camilli.

11
 12 IT IS FURTHER ORDERED THAT upon liquidation and distribution of the
 13 Annuity Contract proceeds, the Guardian and Defendants, and each of them, shall
 14 be permanently enjoined from instituting or prosecuting against the other party or
 15 parties any proceeding in any State or United States District Court regarding any
 16 benefits payable under the Annuity Contracts, and arising out of or on account of
 17 the death of Gerda Camilli.

18
 19 IT IS FURTHER ORDERED THAT this action shall be dismissed in its
 20 entirety with prejudice as to all parties.

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 22
 23 DATED: September 17, 2008

